

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD BANEY,

Plaintiff

v.

R. SMITH, et al.,

Defendants

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: CIVIL NO. 3:CV-05-888  
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: (Judge Kosik)  
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**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

\_\_\_\_\_ Ronald Baney, an inmate currently confined at the State Correctional Institution at Forest, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983. Named as Defendants are two correctional officers employed at the Dauphin County Prison, Pennsylvania. In the complaint, Plaintiff claims that Defendants subjected him to excessive force and deprived him of clean clothes. Defendants filed a motion for summary judgment on May 1, 2006. (Doc. 20.) In support of the motion Defendants have submitted a statement of undisputed material facts, a brief and supporting documents which include incident reports, disciplinary hearing reports and medical reports. Plaintiff filed his opposition to the motion on July 10, 2006. (Docs. 26, 27.) In opposing the motion, Plaintiff's main contention is that the documents submitted by Defendants have not been authenticated, and therefore can not be used to support the summary judgment motion. Defendants do not submit any affidavits or declarations made under penalty of perjury which authenticate the exhibits thereby confirming their truth or accuracy. Further, the documents submitted do not fall

within those designated as self-authenticating under Federal Rule of Evidence 902. Accordingly, Defendants will be afforded ten (10) days within which to authenticate the documents submitted in support of their summary judgment motion.

**ACCORDINGLY, THIS 11<sup>th</sup> DAY OF OCTOBER, 2006, IT IS HEREBY ORDERED THAT** within ten (10) days Defendants shall provide authentication with regard to the documents submitted in support of their motion for summary judgment.

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s/Edwin M. Kosik

United States District Judge